



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 10, 2020

By ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
United State Courthouse
40 Foley Square, Courtroom 518
New York, New York 10007

Re: *United States v. Sayfullo Habibullaevic Saipov*, S1 17 Cr. 722 (VSB)

Dear Judge Broderick:

We write in response to defense counsel's April 6, 2020 letter regarding legal calls from the Metropolitan Correctional Center ("MCC") in light of the COVID-19 pandemic. Defense counsel seeks an order requiring the MCC to provide the defendant with legal calls on a weekly basis until visiting at the MCC has resumed and at least 24-hours advance notice of the date and time of those calls. The Government respectfully submits that defense counsel's request should be denied as moot.

On April 8, 2020, Chief Judge McMahon and Chief Judge Mauskopf issued a new protocol to the MCC concerning, among other things, attorney calls. *See* Ex. A (the "Protocol Memo"). The Government understands that the Protocol Memo was issued upon the Court's consultation with the MCC and the Federal Defenders. Paragraph 13 of the Protocol Memo sets forth procedures for requesting "non-court calls," which include calls between attorneys and their clients. As relevant here, paragraph 13 provides that (i) the MCC is to reserve afternoons for non-court calls; (ii) "[s]cheduling of non-court calls will be facilitated by the Federal Defenders"; and (iii) "the Federal Defenders will provide BOP with the schedule of calls for each unit for a given afternoon at least two days in advance of the scheduled calls."

Thus, pursuant to the Protocol Memo, the Federal Defenders now have a role in scheduling attorney calls and providing the MCC with notice at least two days in advance of those calls. Given that the Protocol Memo was developed in direct response to the unique issues created by the COVID-19 pandemic and issued after defense counsel filed its letter, the Government respectfully submits that defense counsel's request should be denied as moot. To the extent that the Protocol Memo does not resolve the issue raised in defense counsel's April 6, 2020 letter, defense counsel may renew their request to the Court. *See* Protocol Memo ¶ 13 ("If the jail and the requestor

